



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1910 OF 2024
IN
CRIMINAL APPEAL NO. 464 OF 2024

Dada Daulat Patil ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

....
Mr. Praharsing Patil, Advocate h/f Mr. P.H. Patil, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 27th AUGUST, 2024

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment imposed by the Additional Sessions Judge, Dhule in Sessions Case No. 26 of 2021 vide judgment and order dated 15th February, 2024 for the offence punishable under Sections 302, 307 and 324 of the Indian Penal Code.

2. Case of the applicant in brief is that on 01st November, 2020 at 08:00 a.m. a quarrel took place between the applicant on one hand and his uncle and aunt on the other, on the issue of sewerage water. The quarrel was pacified. In the evening of the same day around 07:00 p.m. his uncle and

two eye witness had gone to the applicant's house to gave him understanding in respect of the morning incident. At that time the applicant assaulted his uncle and two witnesses with the knife. Due to the injuries suffered by the said assault, the applicant's uncle died on the same day. The injured witnesses took medical treatment. The incident was reported to the police and crime came to be registered.

3. It is submitted by learned counsel for the applicant that the applicant had no intention and motive to commit the said crime. He submits that the incident was the result of sudden quarrel on provocation. He submits that the appeal would not come up for hearing in near future and so application be allowed.

4. The application is opposed by learned A.P.P. He submits that the case is based on testimony of two injured eye witnesses and nothing has come in their evidence to discard the incident reported by the informant. Their testimony stands on the higher footing. He, therefore, ultimately urged for rejection of the application.

5. On going through the papers on record, we see that the present case is based on testimony of two injured eye witnesses. The cause of death of the applicant's uncle in postmortem report as shown i.e. 'Stab Injury to the

chest and heart'. There is medical evidence in respect of the injuries suffered by the eye witnesses, to show that they too suffered stab injuries. Thus, in our view, this is not a case for suspension of sentence. Hence, we proceed to pass the following order :-

Criminal application is rejected.

SSD (NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)